

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,)	Civil Action No. 05-10917 PBS
)	
Plaintiff,)	
)	
v.)	
)	
J.T. POSEY COMPANY,)	
)	
Defendant.)	

**MOTION OF DEFENDANT J.T. POSEY COMPANY TO TRANSFER
VENUE TO CENTRAL DISTRICT OF CALIFORNIA**

Defendant J.T. Posey Company (“Posey”) moves this Court for an Order transferring venue of this matter to the Central District of California. The motion is brought pursuant to 28 U.S.C. section 1404(a) and is made upon the grounds that the convenience of the witnesses and the parties and the interests of justice warrant a transfer to a different venue.

This Motion will be based upon this Notice, the accompanying Memorandum in Support of this Motion, the accompanying Declarations, and all pleadings, exhibits and records on file herein and upon such additional argument and evidence as may be presented to the Court at the time of any hearing.

The undersigned counsel for Posey hereby certifies that he has attempted to confer with HipSaver’s counsel and attempted in good faith to resolve or narrow the issues raised by this motion.

This motion is being filed contemporaneously with a companion motion to dismiss the within matter, which motion should be considered only if this motion is denied.

Dated: June 17, 2005

J.T. POSEY COMPANY

By its attorneys,

/s/ Douglas H. Morseburg

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